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August 15, 2006



via fax 202 565-9004  
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ENTERED  
Office of Proceedings

Honorable Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

SEP 5 - 2006

Part of  
Public Record


Re: STB Finance Docket No. 34893, The Chicago, Lake Shore and South  
Bend Railway Company - Acquisition and Operation Exemption - Norfolk  
Southern Railway Company

Dear Mr. Williams:

Norfolk Southern Railway Company submits this letter to advise the Board that no agreement has been or will be executed between the Chicago, Lake Shore and South Bend Railway Company with respect to the transaction that is the subject of this proceeding. Therefore, the proceeding is moot. As a result, NSR suggests it may be dismissed by the Board.

CLS&SB should not be criticized for submitting the notice early inasmuch as the parties were working to complete the tentative transaction. CLSSB wished to proceed with the transaction and reactivation of the rail line quickly upon reaching and executing a final agreement with NSR. The Board's notice of exemption was permissive, not mandatory, and did not require that the agreement be reached before CLSSB submitted the notice of exemption to the Board. The Board's notice served July 6, 2006 also does not now require that the transaction be consummated.

Very truly yours,

  
James R. Paschall

Honorable Vernon A. Williams  
STB Finance Docket No. 34893  
August 15, 2006  
Page 2 of 2

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